

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 305 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No
3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

AJITBHAI REVANDAS PATEL

Versus

STATE OF GUJARAT

Appearance:

MR PB MAJMUDAR for Petitioner
MR KP RAVAL, APP for Respondent No. 1
MR SATYAJEET A DESAI for Respondent No. 2

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 10/09/96

ORAL JUDGEMENT

By way of the present Revision Application, the petitioner has approached this Court with a prayer that interim order passed by the Additional Sessions Judge, Ahmedabad in Revision Application No. 151 of 1996 be quashed and set aside. By virtue of above referred

order, the petitioner has been restrained from leaving the country and implementation and execution of order dated 10.4.1996 passed by the Metropolitan Magistrate, Ahmedabad in Criminal Case No. 2145 of 1993 has been stayed.

2. The petitioner had approached the Metropolitan Magistrate, Ahmedabad with a prayer that he should be permitted to leave India for a period of 30 days. It was necessary for the petitioner to obtain such a permission because by an interim order passed by the Metropolitan Magistrate, the petitioner was restrained from leaving the country without obtaining permission from the Court.

3. The above referred application was granted on 10.4.1996 and the petitioner left the country in view of permission obtained from the Court.

4. In the meantime, the Revision Application was filed by respondent No. 2 before the Sessions Court, Ahmedabad and the Sessions Court had passed an interim order referred to hereinabove on 21st June, 1996.

5. It appears that the petitioner has already returned from America. In the circumstances, it is clear that the Criminal Revision Application filed by respondent No. 2 before the Sessions Court has become infructuous. But the interim order granted by the said Court on 21.6.1996 is still in operation and, therefore, it is not open to the petitioner to leave the country again.

6. The petitioner desires to leave India again as he is undergoing treatment. As it is not open to the petitioner to leave the country again, he will have to give an application to the learned Metropolitan Magistrate so that necessary permission can be obtained from the Court.

7. Learned Advocate Shri Soni appearing for the petitioner has stated that the petitioner would file another application before the learned Metropolitan Magistrate on 11th September, 1996 seeking permission to leave the country again. A copy of the said application will be served upon learned advocate Shri D.S. Shah or Shri Satyajeet A Desai who appears for respondent No. 2. It is hoped that the said application would be decided by the learned Metropolitan Magistrate as soon as possible because the petitioner has to rush to America for his medical treatment.

8. As Criminal Revision Application No. 151 of 1996 is still pending before the Sessions Court, it is agreed amongst learned counsel that the petitioner's advocate will give an application to the Sessions Court for early hearing of the said Revision Application. Learned Advocate Shri Soni has stated that the said Revision Application is to be heard by the Sessions Court on 18th September, 1996, but as the petitioner desires to leave the country on or about 15th September, 1996, an application praying for fixing an early date of hearing of the said Revision Application would be given to the Sessions Court on 11th September, 1996 and a copy thereof shall be given to learned advocate Shri D.S. Shah or learned advocate Shri Satyajeet A Desai.

9. In view of the above circumstances, this Criminal Revision Application No. 305 of 1996 is finally disposed of. Rule is discharged.

Direct Service is permitted.

sundar./